

**THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR,
et al.,

Plaintiffs,

vs.

PREFERRED CREDIT CORPORATION,
et al.,

Defendants.

Case No. 4:10-cv-00189-ODS

**JOINT MOTION FOR STAY OF CLAIMS AS
AGAINST DEFENDANTS IMPAC AND WINGSPAN**

Plaintiffs and Defendants Impac Mortgage Holdings, Inc., Impac Funding Corporation, Impac Secured Assets Corporation, and IMH Assets Corporation (“Impac”), and Defendant Wingspan Portfolio Advisors LLC (“Wingspan”), jointly move the Court to stay all motions and proceedings in connection with Plaintiffs’ claims against Impac and Wingspan. In support of this motion, Plaintiffs and Defendants Impac and Wingspan state as follows:

1. The above captioned case is a class action lawsuit involving claims by Missouri homeowners for violations of Missouri’s Second Mortgage Loans Act §§ 408.231 RSMo, *et seq.*
2. Plaintiffs and Impac and Wingspan have reached an agreement that, if approved, would settle and resolve the claims of those class members who obtained the loans for which Plaintiffs seek to hold Impac and Wingspan liable as against Impac and Wingspan, but not as against any other Defendant(s) also alleged to be liable on such loans. Plaintiffs and Impac and Wingspan need time to memorialize the settlement in writing and to implement the process through which the settlement can be finalized and submitted to the Court for approval.

3. Given the settlement, the continued prosecution of the claims against Impac and Wingspan is unnecessary and will detract from the settling parties' ability to implement their settlement. Accordingly, Plaintiffs and Impac and Wingspan respectfully request this Court to grant a stay with respect to all motions and other proceedings related to Plaintiffs' claims against Impac and Wingspan, including without limitation Impac's Motion for Summary Judgment (Doc.'s 683, 685), Wingspan's Motion for Summary Judgment (Doc. 692, 693), Plaintiffs' Motion for Partial Summary Judgment, *but solely as to Impac and Wingspan* (Doc.'s 703, 704), and Impac's and Wingspan's Motions in Limine (Doc.'s 696, 697, 698, 699, 700, 701, 668, 670, 687, and 689).

4. No other claims, motions, discovery or other case activity should be stayed against any other Defendant.

5. No party will be prejudiced by the granting of this motion.

WHEREFORE, Plaintiffs and Defendants Impac and Wingspan respectfully request that the Court enter an Order staying all motions and proceedings relating to Plaintiffs' claims against Impac and Wingspan as stated above.

Date: September 19, 2012

Respectfully submitted,

WALTERS BENDER STROHBEHN
& VAUGHAN, P.C.

By: /s/ Kip D. Richards

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 19th day of September 2012, I electronically filed the above and foregoing document with the Clerk of Court of the Western District of Missouri using the Court's ECF system, which will send notification of said filing to all counsel of record who are ECF participants. In addition, a copy was served by U.S. mail, First-Class Postage Prepaid, to:

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/s/ Kip D. Richards